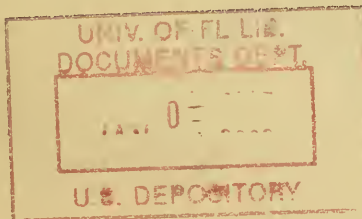


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
SHIPBUILDING AND
SHIPREPAIRING INDUSTRY

AS APPROVED ON MARCH 29, 1934



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Approved Code No. 2—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SHIPBUILDING AND SHIPREPAIRING INDUSTRY

As Approved on March 29, 1934

ORDER

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHIPBUILDING
AND SHIPREPAIRING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Shipbuilding and Ship-repairing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect five days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

K. M. SIMPSON,
Division Administrator.

WASHINGTON, D.C.,
March 29, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment to the Code of Fair Competition for the Shipbuilding and Shiprepairing Industry and on the Public Hearing conducted thereon in Washington, D. C., on March 20, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

The amendment as originally presented was proposed by the National Council of American Shipbuilders who submitted, through their President, an affidavit in which the Association claims to represent 90% of the Industry.

The amendment concerns the revision of the definition now obtaining in the Code of Fair Competition for the Shipbuilding and Shiprepairing Industry, which reads as follows:

" 1. DEFINITION OF TERMS

"The terms 'shipbuilder' and 'shiprepairer', when used in this Code, include a person, partnership, or corporation engaged in the business of building, fabricating, repairing, reconstructing, remodeling, and assembling oceangoing, harbor and inland water-way vessels, and floating marine equipment of every type above ten tons, including the building within their plants of machinery, equipment, and other ship's parts."

Since the effective date of the Shipbuilding and Shiprepairing Code, August 5, 1933, it has developed that the definition was too inclusive and covered too wide a scope of operations inasmuch as it brought within the scope of the Shipbuilding and Shiprepairing Code practically the entire operations of the smaller Boatbuilding and Boatrepairing Industry, whose activities and conditions are of sufficiently different character to warrant a separate code. The specific amendment proposed by the Shipbuilding and Shiprepairing Industry and as amended at the hearing is as follows:

"The terms 'shipbuilder' and 'shiprepairer', when used in this Code, include a person, partnership, or corporation engaged in the business of building, fabricating, repairing, reconstructing, remodeling, and assembling oceangoing, harbor and inland water-way vessels, and floating marine equipment of every type, except

"A. Steel pleasure craft and steel yachts of 125' or under in length overall.

"B. Wooden fishing schooners 50' or under in length overall, wooden trawlers 50' or under in length overall, and wooden harbor tugs 50' or under in length overall.

"C. All other wooden commercial vessels 75' or under in length.

"The terms 'shipbuilder' and 'shiprepairer' also include the building within their plants of machinery, equipment and other ship's parts."

The facts brought to light in this hearing revealed that a further modification of the amendment was necessary. The following definition for the Shipbuilding and Shiprepairing Industry has resulted from the reconvening of the hearing in the Deputy's office on March 21, 1934:

"A. The term 'Shipbuilding and Shiprepairing Industry' means:

"1. The building, fabricating, repairing, reconstructing, remodeling and assembling of all vessels and floating marine equipment except:

"(a) Wooden boats and vessels and wooden floating marine equipment.

"(b) Pleasure boats and yachts, both wooden and/or metal up to and including one hundred and fifty (150) feet in length overall.

"2. The building within shipbuilding and shiprepairing plants of machinery, equipment and other ship's parts.

"B. The term 'Member of the Industry' means any person, partnership, corporation, association, trust, trustee or receiver engaged in the Shipbuilding and Shiprepairing Industry, either as an employer or on his or its own behalf."

It was developed that the definition as finally amended would best divide the activities of the two industries and cause the least amount of overlapping between the two codes.

The Deputy Administrator in his final report to me on said amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing the maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MARCH 29, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHIPBUILDING AND SHIPREPAIRING INDUSTRY

1. DEFINITION OF TERMS

A. The term "Shipbuilding and Shiprepairing Industry" means:

1. The building, fabricating, repairing, reconstructing, remodeling and assembling of all vessels and floating marine equipment except:

(a) Wooden boats and vessels and wooden floating marine equipment.

(b) Pleasure boats and yachts, both wooden and/or metal up to and including one hundred and fifty (150) feet in length over all.

2. The building within shipbuilding and shiprepairing plants of machinery, equipment and other ship's parts.

B. The term "Member of the Industry" means any person, partnership, corporation, association, trust, trustee, or receiver engaged in the Shipbuilding and Shiprepairing Industry, either as an employer or on his or its own behalf.

Approved Code No. 2. Amendment No. 2.
Registry No. 1408-1-01.

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